

§ 301.10

FEDERAL REGISTER to inform the public of the withdrawal of the special need exception and to make the information supporting the withdrawal available for review and comment for at least 60 days. Reasons for withdrawal of approval of a special need exception may include, but are not limited to, the availability of new scientific data or changes in APHIS regulations. Following the close of the comment period, APHIS will publish another notice announcing the Administrator's decision to either withdraw or uphold the special need exception. The Administrator's determination will be based upon the evaluation of the information submitted in support of the withdrawal and would take into account any comments received.

(Approved by the Office of Management and Budget under control number 0579-0291)

Subpart—Imported Plants and Plant Parts

SOURCE: 62 FR 61212, Nov. 17, 1997, unless otherwise noted.

§ 301.10 Definitions.

Move (moved, movement). Shipped, offered to a common carrier for shipment, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved.

State. Any State, territory, district, or possession of the United States.

§ 301.11 Notice of quarantine; prohibition on the interstate movement of certain imported plants and plant parts.

(a) In accordance with part 319 of this chapter, some plants and plant parts may only be imported into the United States subject to certain destination restrictions. That is, under part 319, some plants and plant parts may be imported into some States or areas of the United States but are prohibited from being imported into, entered into, or distributed within other States or areas, as an additional safeguard against the introduction and establishment of foreign plant pests and diseases.

(b) Under this quarantine notice, whenever any imported plant or plant

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part is subject to destination restrictions under part 319:

(1) The State(s) or area(s) into which the plant or plant part is allowed to be imported is quarantined with respect to that plant or plant part; and

(2) No person shall move any plant or plant part from any such quarantined State or area into or through any State or area not quarantined with respect to that plant or plant part.

Subpart—Fruit Flies

SOURCE: 73 FR 32432, June 9, 2008, unless otherwise noted.

§ 301.32 Restrictions on interstate movement of regulated articles.

(a) No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.¹

(b) Section 414 of the Plant Protection Act (7 U.S.C. 7714) provides that the Secretary of Agriculture may, under certain conditions, hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of any plant, plant pest, plant product, article, or means of conveyance that is moving, or has moved into or through the United States or interstate if the Secretary has reason to believe the article is a plant pest or is infested with a plant pest at the time of movement.

§ 301.32–1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of fruit flies and may be moved interstate to any destination.

¹Permit and other requirements for the interstate movement of any of the fruit flies regulated under this subpart are contained in part 330 of this chapter.

Commercially produced. Fruits and vegetables that an inspector identifies as having been produced for sale and distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, monocultural practices, pest management programs, good sanitation practices including destruction of culls, type of packaging, identification of grower or packinghouse on the packaging, and documents consigning the shipment to a wholesaler or retailer.

Compliance agreement. A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with this subpart.

Core area. The area within a circle surrounding each site where fruit flies have been detected using a ½-mile radius with the detection site as a center point.

Day degrees. A unit of measurement used to measure the amount of heat required to further the development of fruit flies through their life cycle. Day-degree life cycle requirements are calculated through a modeling process specific for each species of fruit fly.

Departmental permit. A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.32-4(c).

Dripline. The line around the canopy of a plant.

Fruit fly (fruit flies). The melon fruit fly, Mexican fruit fly, Mediterranean fruit fly, Oriental fruit fly, peach fruit fly, sapote fruit fly, or West Indian fruit fly, or other species of insects found in the family Tephritidae, collectively.

Infestation. The presence of fruit flies or the existence of circumstances that makes it reasonable to believe that fruit flies are present.

Inspector. Any employee of APHIS or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.32-5(b) only to a specified destination and only in accordance with specified conditions.

Mediterranean fruit fly. The insect known as Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), in any stage of development.

Melon fruit fly. The insect known as the melon fruit fly, *Bactrocera cucurbitae* (Coquillett), in any stage of development.

Mexican fruit fly. The insect known as Mexican fruit fly, *Anastrepha ludens* (Loew), in any stage of development.

Move (moved, movement). Shipped, offered to a common carrier for shipment, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved.

Oriental fruit fly. The insect known as Oriental fruit fly, *Bactrocera dorsalis* (Hendel), in any stage of development.

Peach fruit fly. The insect known as peach fruit fly, *Anastrepha zonata* (Saunders), in any stage of development.

Person. Any individual, partnership, corporation, association, joint venture, or other legal entity.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service that has been delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

Quarantined area. Any State, or any portion of a State, designated as a quarantined area in accordance with § 301.32-3.

Regulated article. Any article listed in § 301.32-2 or otherwise designated as a regulated article in accordance with § 301.32-2(d).

Sapote fruit fly. The insect known as the sapote fruit fly, *Anastrepha serpentina*, in any stage of development.

State. Any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the

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District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

West Indian fruit fly. The insect known as the West Indian fruit fly, *Anastrepha obliqua* (Macquart), in any stage of development.

§ 301.32-2 Regulated articles.

(a) In the following table, the berry, fruit, nut, or vegetable listed in each row in the left column is a regulated article for each of the fruit fly species listed in that row in the right column, unless the article is canned, dried, or frozen below -17.8°C (0°F):

| Botanical name | Common name(s) | Fruit fly |
|---|-------------------------------|--|
| <i>Abelmoschus esculentus</i> = <i>Hibiscus esculentus</i> | Okra | Melon, Peach. |
| <i>Acca sellowiana</i> = <i>Feijoa sellowiana</i> | Pineapple guava | Mediterranean, Oriental, Peach. |
| <i>Actinidia chinensis</i> | Kiwi | Mediterranean. |
| <i>Aegle marmelos</i> | Indian bael | Peach. |
| <i>Anacardium occidentale</i> | Cashew | Oriental. |
| <i>Annona cherimola</i> | Cherimoya | Mexican, Oriental, Peach. |
| <i>Annona glabra</i> | Pond-apple | Sapote. |
| <i>Annona muricata</i> | Soursop | Melon, Oriental, Peach. |
| <i>Annona reticulata</i> | Custard apple, Annona | Melon, Mexican, Oriental, Peach. |
| <i>Annona squamosa</i> | Custard apple | Peach. |
| <i>Artocarpus altilis</i> | Breadfruit | Oriental. |
| <i>Artocarpus heterophyllus</i> | Jackfruit | Oriental. |
| <i>Averrhoa carambola</i> | Carambola, Country gooseberry | Oriental, West Indian. |
| <i>Benincasa hispida</i> | Melon, Chinese | Melon. |
| <i>Brassica juncea</i> | Mustard, leaf | Melon. |
| <i>Brassica oleracea</i> var. <i>botrytis</i> | Cauliflower | Melon. |
| <i>Brosimum alicastrum</i> | Ramón | West Indian. |
| <i>Byrsonima crassifolia</i> | Nance | Sapote. |
| <i>Calophyllum inophyllum</i> | Alexandrian-laurel, Laurel | Oriental. |
| <i>Cananga odorata</i> | Ylang-Ylang | Oriental. |
| <i>Capsicum annuum</i> | Pepper, chili | Mediterranean, Melon, Oriental. |
| <i>Capsicum frutescens</i> | Pepper, tabasco | Mediterranean, Melon. |
| <i>Capsicum frutescens abbreviatum</i> | Oriental bush red pepper | Oriental. |
| <i>Capsicum frutescens</i> var. <i>grossum</i> | Pepper, sweet | Oriental. |
| <i>Carica papaya</i> | Papaya | Mediterranean, Melon, Oriental, Peach. |
| <i>Carissa grandiflora</i> | Natal plum | Oriental. |
| <i>Carissa macrocarpa</i> | Natal plum | Mediterranean. |
| <i>Casimiroa edulis</i> | Sapote, white | Mediterranean. |
| <i>Casimiroa greggii</i> = <i>Sargentia greggii</i> | Sargentia, yellow chapote | Mexican. |
| <i>Casimiroa</i> spp | Sapote | Mexican. |
| <i>Cereus coarulescens</i> | Cactus | Oriental. |
| <i>Chrysophyllum cainito</i> | Star apple | Oriental, Sapote. |
| <i>Chrysophyllum oliviforme</i> | Caimitillo | Oriental. |
| <i>Citrofortunella japonica</i> | Orange, calamondin | Peach. |
| <i>Citrullus colocynthis</i> | Colocynth | Melon. |
| <i>Citrullus lanatus</i> = <i>Citrullus vulgaris</i> | Watermelon | Melon, Peach. |
| <i>Citrullus</i> spp | Melon | Melon. |
| <i>Citrus aurantiifolia</i> | Lime | Mediterranean, Mexican, ¹ Oriental, Peach. |
| <i>Citrus aurantium</i> | Orange, sour | Mediterranean, Mexican, Oriental, Peach. |
| <i>Citrus jambhiri</i> | Lemon, Rough | Mediterranean. |
| <i>Citrus latifolia</i> | Lime, Persian | Oriental. |
| <i>Citrus limon</i> | Lemon | Mediterranean, ² Mexican, ³ Oriental, Peach. |
| <i>Citrus limon</i> x <i>reticulata</i> | Lemon, Meyer | Mediterranean. |
| <i>Citrus madurensis</i> = x <i>Citrofortunella mitis</i> | Orange, Panama | Sapote. |
| <i>Citrus maxima</i> = <i>Citrus grandis</i> | Pummelo or Shaddock | Mediterranean, Mexican, Oriental, Peach. |
| <i>Citrus medica</i> | Citrus citron | Mediterranean, Mexican, Peach. |
| <i>Citrus paradisi</i> | Grapefruit | Mediterranean, Melon, Mexican, Oriental, Peach. |
| <i>Citrus reticulata</i> | Mandarin orange, tangerine | Mediterranean, Mexican, Oriental, Peach. |
| <i>Citrus reticulata</i> var. <i>Unshu</i> | Orange, Unshu | Mediterranean, Oriental. |
| <i>Citrus reticulata</i> x <i>C. sinensis</i> = <i>Citrus nobilis</i> | Orange, king | Mediterranean, Melon, Oriental, Peach. |
| <i>Citrus reticulata</i> x <i>Fortunella</i> | Orange, calamondin | Mediterranean, Mexican, Oriental. |
| <i>Citrus sinensis</i> | Orange, sweet | Mediterranean, Melon, Mexican, Oriental, Peach. |
| <i>Citrus</i> spp | Citrus | Sapote. |
| <i>Clausena lansium</i> | Wampli | Oriental. |